

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NORMAN DAVID IZAGUIRRE
GUERRERO, a/k/a "Noro," and ALAN
ENRIQUE ENAMORADO,

Defendants.

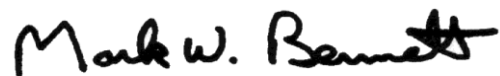
No. CR 15-3013-MWB

***SUA SPONTE ORDER*
DIRECTING THE PARTIES
TO SUBMIT BRIEFS
REGARDING VENUE**

This Court, *sua sponte*, directs the parties to submit briefs on several issues not raised during trial, which occurred on October 19, 2015 to October 22, 2015. Venue questions in criminal cases raise deep issues of public policy and are not merely matters of formal legal procedure. *United States v. Moeckly*, 769 F.2d 453, 460 (8th Cir. 1985). Venue, unless properly waived, is an essential part of the prosecution's case in a criminal prosecution and must be established by adequate proof, the burden of which is on the prosecution. *See United States v. Delgado*, 914 F.2d 1062, 1064 (8th Cir. 1990). The parties are directed to brief the following issues: (1) Did the prosecution establish venue; (2) where venue was not questioned before or in defendants' Rule 29 Motion, has the objection been waived; and (3) can the defendants be retried if venue was not proved? These briefs should be submitted by, and including, the date of November 13, 2015.

IT IS SO ORDERED.

DATED this 23rd day of October, 2015.



MARK W. BENNETT
U. S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA